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## City of Reading City Council

### Regular Meeting November 13, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Boykin-Wilson of Bethel AME Church.

All present pledged to the flag.

### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Managing Director L. Churchill  
City Solicitor C. Younger  
Public Works Director C. Jones  
City Auditor D. Cituk  
City Clerk L Kelleher  
Human Relations Administrator K. Talbot  
Police Chief W. Heim

### **PROCLAMATIONS AND PRESENTATIONS**

The following proclamations and commendations were presented:

City of Reading City Council issued commendations:

- Honoring Veterans Day and all the men and women who have served in the United States Military and Armed Forces
- Adam Broad and the members of Boy Scout Troop 161 for their work landscaping the Reading Police Memorial in City Park

The Mayor's office issued a proclamation celebrating National Farm City Week.

### **PUBLIC COMMENT**

Council President Spencer announced that one citizen was registered to address Council concerning a non-agenda topic. He inquired if Council wished to suspend the public speaking rules to allow this citizen to address Council at the beginning of the meeting. As no one objected, the public speaking rules were suspended.

Luz Agramonte, of S. 4<sup>th</sup> Street, expressed concern with the cost of fees in the zoning area. She expressed the belief that the cost of the zoning fees is exorbitant. She also noted that some community members have the belief that the payment of the \$800 conditional use fee guarantees the issuance of a conditional use permit. She also described the problems people have in obtaining the necessary permits to open taxi service businesses.

### **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer called Council's attention to the minutes from the October 22, 2007 regular meeting and to the agenda for this meeting. He noted the need to add three potential budget amendments from the Managing Director, City Auditor, and Councilor Sterner and a resolution authorizing the promotion of Lt. Mark Talbot to Deputy Police Chief.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to approve the minutes of the October 22, 2007 regular meeting and the agenda as amended. The motion was approved unanimously.**

### **ADMINISTRATIVE REPORT**

Managing Director Churchill read the report distributed to Council at the meeting covering:

- United Way participation and contribution
- Hiring of Human Relations Administrator Kim Talbot
- Recycling Assessment Results
- Grant performance update

Council President Spencer noted his past request for a report on the GREAT program. Managing Director Churchill replied that this Department of Justice grant will supplant the DARE program. He promised Council President Spencer to provide a more thorough report on the GREAT program within the coming week.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- 2007 Cable Franchise Fee
- 2007 PILOTs (Payment in Lieu of Taxes)
- 2007 Unemployment Compensation costs
- Auditor's budget comments

Councilor Goodman-Hinnershitz inquired about the formula used to determine the Reading Housing Authority's PILOT contribution. City Auditor Cituk explained that this formula is defined by HUD. He explained how this formula is used to provide an annual contribution to the three tax entities – City, County, and School District.

Councilor Goodman-Hinnershitz noted the great number of non-profit agencies and organizations that do not make a contribution for the cost of their public services. She noted that, although all these organizations depend on the City's public services (public works, fire, police, EMS) only about ¼ of those agencies make some type of contribution to offset the expense to City taxpayers.

Councilor Marmarou agreed that the list is too short. He also reminded all of the services provided to the three colleges located within the City. The City Auditor noted that the contributions by Alvernia, RACC, and Albright are minimal and does not reflect even a portion of the services provided. He noted that some of these education entities have provided in-kind services such as free classes; however, those offers have dried up.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 73-2007** - execute a certain "Consent and Joinder" to join in an amended petition to terminate the Clinton F. Earl Trust (**Solicitor**) *Introduced at the 9-24 Regular Meeting; tabled at the 10/08 meeting of Council pending review of additional questions; tabled again at the 10/22 meeting of Council.*

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to enact Bill 73-2007.**

Councilor Goodman-Hinnershitz provided background on the Earl Trust and its dissolution. She explained that the dissolution of the Earl Trust will divide properties adjoining parklands to the City and the County. She expressed the belief that the process used to dissolve the Estate and the properties may have been flawed. She also stated that the concerns expressed about using the City's money to pay off a mortgage on the Conservancy's property are justifiable. However, she noted that approval of this settlement agreement will avoid additional legal challenges.

Councilor Waltman noted the generosity of Clinton Earl for providing the forethought to preserve these areas adjoining parkland and watershed properties. He noted the need for the City and the County to provide long-lasting commitment for the preservation of these properties.

Councilor Sterner noted that the review of this issue helped answer many unknown issues. He stated that although the process used to divide the properties was flawed, the end result will provide preservation as was desired by Mr. Earl.

Council President Spencer also expressed concern with the \$76,000 payment to Wachovia Bank who acted as the trustee. He noted that none of the prior trustees accepted payment for handling and overseeing the Earl Trust. He expressed the belief that the City should receive some payment to cover its maintenance costs for the last 50+ years.

**Bill 73-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner (with reservations), Waltman – 6.**

**Nay: Spencer President – 1.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record. Managing Director Churchill reviewed the Budget Amendments being introduced this evening.

**Ordinance-** amending the Codified Ordinances of the City of Reading, Chapter 6, Part 4 Conduct, Subsection A. Prohibiting the discharge of firearms, by increasing the penalties assessed. **(Mayor)**

**Ordinance-** setting the salary of the Director of Human Resources at \$80,000.00. (Managing Director)

**All Budget Ordinances were introduced at the 11/01/07 Special Meeting of Council and have not satisfied the two week layover requirement.**

**Ordinance-** Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2008 and ending December 31, 2008.

**Ordinance-** Establishing the Capital Improvement Plan Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2008 and ending December 31, 2008

**Ordinance-** Establishing the Full-Time Employee positions for the City of Reading for the fiscal year 2008.

**Ordinance-** Levying the real estate taxes for the fiscal year beginning the first day of January, 2008 and ending the thirty-first day of December, 2008.

**Ordinance-** Repealing the Emergency Municipal Services Tax and enacting the Local Services Tax

## **RESOLUTIONS**

**Resolution-154-2007 -** adopting the 2008 CDBG Action Plan (Community Development)

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 154-2007.**

Councilor Goodman-Hinnershitz noted the compromise made between Council and the Administration to provide allocations for youth recreation programs at Olivet's and NEAR. She noted the need for the City to collaborate with Olivet's in the future on recreation programs.

Council President Spencer noted the need for him to abstain due to his participation on the Olivet's Advisory Board.

**Resolution 154-2007 was adopted by the following vote:**

**Yea:** Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.

**Nay:** None – 0.

**Abstain:** Spencer President – 1.

**Resolution 141-2007**- reprogramming an additional \$49,623 in unprogrammed ESG funds for operational costs to the existing ESG agreement (**Community Development**) *Introduced and tabled at the 10/08/07 meeting of Council; tabled again at the 10/22 meeting of Council.*

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 141-2007.**

**Resolution 141-2007 was adopted by the following vote:**

**Yea:** Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

**Nay:** None – 0.

**Resolution 155-2007** - denying a Certificate of Appropriateness for the property located at 428 Spring Street. (**Council Staff**)

**Councilor Marmarou moved, seconded by Councilor Sterner, to deny the Certificate of Appropriateness application for 428 Spring St.**

**Resolution 155-2007 was adopted by the following vote:**

**Yea:** Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

**Nay:** None – 0.

**Resolution 156-2007** – promoting Lt. Mark Talbot to Deputy Police Chief for the City of Reading Police Department (**Chief Heim**)

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 156-2007.**

Council President Spencer noted the skill and talent of Lt. Talbot. He stated that he will not support the adoption of this resolution as he

believes other personnel issues in the Police Department need to be settled before promotion is finalized.

Resolution 156-2007 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.**

**Nay: Spencer President – 1.**

**Resolution 157-2007** - appointing Christine Wheelen as Human Resources Director for the City of Reading **(Managing Director)**

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 157-2007.**

Resolution 157-2007 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 158-2007** - promoting Officer Stephen W. Anderson to the rank of Sergeant. **(Chief Heim)**

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 158-2007.**

Police Chief Heim stated that with Council's approval, the last two sergeant promotions will be completed. He also thanked Council for supporting the promotion of Lt. Mark Talbot as he will bring new perspective that will greatly enhance the department's command staff.

Resolution 158-2007 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 159-2007** - promoting Officer Kevin A. Berkel to the rank of Sergeant.  
**(Chief Heim)**

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 159-2007.**

**Resolution 159-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 160-2007** - appointing Manuel Candelario to the Blighted Property Review Committee **(Administrative Oversight)**

**Resolution 161-2007-** appointing Mary Wolfe to the Blighted Property Review Committee **(Administrative Oversight)**

**The Administrative Oversight Committee moved to adopt Resolutions 160-2007 and 161-2007.**

Councilor Marmarou noted the expertise and skill both applicants will bring to the Blighted Property Review Committee, working to eliminate the problems associated with vacant and deteriorated properties throughout the City of Reading.

Councilor Goodman-Hinnershitz noted the excellent work of the Blighted Property Review Committee and thanked Councilor Fuhs for working to bring this legislation forward.

**Resolutions 160-2007 and 161-2007 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Fuhs thanked Ms. Agramonte for her comments on zoning fees.

Councilor Fuhs congratulated his Council colleagues for their victories on Election Day. He also noted his hope that the issue with the



misappropriation of the \$1 million in drug forfeiture funds will be rectified due to the upset of incumbent District Attorney Mark Baldwin.

Councilor Fuhs announced that his next town meeting will occur on Thursday, December 6, 2007 at Sts. Constantine and Helen Greek Orthodox Church with State Representative Sam Rohrer on tax reform.

Councilor Sterner congratulated Kim Talbot and Christine Wheelen for coming on as Human Relations Administrator and Human Resources Director, respectively.

Councilor Sterner noted the opening of the Hillside Holiday Light Show scheduled for this coming weekend.

Councilor Goodman-Hinnershitz noted the Halloween activities in District 2 organized by District 2 community groups.

Councilor Goodman-Hinnershitz noted the professionalism and skill of those promoted to sergeant and those hired as the Human Relations Administrator and Human Resources Director.

Councilor Baez congratulated those hired and promoted this evening. She thanked all the volunteers who worked for all candidates on Election Day. She congratulated her Council colleagues re-elected to serve another four year term.

Councilor Marmarou congratulated those re-elected and those newly elected to public service positions.

Councilor Waltman agreed with the need to review zoning fees at upcoming Finance Committee meetings.

Councilor Waltman questioned the position taken by Reading Eagle writer Don Spatz in his articles discussing Council's budget review. Councilor Waltman noted the difficulties and challenges faced during the extensive review of each City budget during a relatively tight time period.

Councilor Goodman-Hinnershitz thanked voters who supported the two Charter amendments on the November 6, 2007 ballot (definition of residency and extension of budget cycle). Councilor Goodman-Hinnershitz also thanked the Berks Urban Gardeners for decorating the City for the upcoming holiday season.

Council President Spencer agreed to review zoning and all other fees. He noted the need for the City to charge fees to cover the cost of the

services provided. He noted that at a conditional use hearing and the permit cost covers staff time to review the application, prepare for the hearing, attend the hearing, cover the costs of the necessary advertising and the cost of having a transcriptionist present.

Council President Spencer expressed the belief that the CDBG budget should not have funded both recreation programs. He noted that due to the low turnout and high cost of the NEAR program should show the need to discontinue the program which would allow for the expansion of Olivet's recreation activities.

Council President Spencer inquired how long Ms. Talbot has worked in the City Human Relations office. He noted that since the Administrator position became vacant the Human Relations solicitor has been serving in this position. Managing Director Churchill stated that the cost for the Human Relations Solicitor to fill this role was approximately \$16,000 per week. He stated that Ms. Talbot has been employed by the Human Relations office since early 2007. He provided the rationale behind having the attorney fill the acting post rather than appointing someone currently serving staff in the office.

Council President Spencer expressed the belief that issues with the former Deputy Police Chief should have been handled before promoting another to the Deputy Chief position.

Council President Spencer reviewed the upcoming meeting schedule.

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher  
City Clerk